

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 15-21**

**A RESOLUTION FOR THE ADOPTION OF AN AMENDMENT TO THE TOWN'S
EMPLOYEE HANDBOOK REGARDING COMPENSATORY TIME FOR EXEMPT
EMPLOYEES**

Introduced by: Mayor Muhammad

WHEREAS, pursuant to Section 33-69 of the Town Charter, the compensation of all officers (except the Mayor and Councilmen, which is established by ordinance) and employees of the Town shall be set from time to time by a resolution passed by the Council; and

WHEREAS, pursuant to Section 2.3 of the Town Ordinance Code, the Town Council is authorized and empowered to provide the employees of the Town with benefits, including, but not limited to, death benefits, surgical, hospitalization and other sick benefits, under group insurance plans or otherwise; and

WHEREAS, the U.S. Department of Labor (DOL) describes compensatory time, or "comp time," as paid time off the job that is earned and accrued by an employee instead of immediate cash payment for working overtime hours, and although compensatory time off for nonexempt employees is an acceptable practice in the public sector, the DOL does not permit its use for nonexempt employees in private-sector employment; and

WHEREAS, under the Fair Labor Standards Act (FLSA), an exempt (salaried) employee is not entitled to overtime pay or compensatory overtime, but a town or city may, under its own personnel policies, treat employees who would otherwise be exempt employees under the FLSA as non-exempt employees for the purposes of awarding compensatory time; and

WHEREAS, pursuant to Section 20.4(g)(1) of the Town Ordinance Code, compensatory time is not budgeted nor is it authorized for payment, except by resolution of Council, and all compensatory time (for nonexempt employees) shall be agreed upon in writing by the employer and employee; and

WHEREAS, compensatory time is not defined under the Town of Forest Heights' Personnel Handbook and under Section 3.80 of the Town's Personnel Handbook, all exempt employees shall not be entitled to overtime compensation; and

WHEREAS, pursuant to Section 2 of FHPD's General Order No. 2016-1 (Effective January 1, 2016), non-exempt police officers may select to be compensated with overtime or compensatory time for time worked in excess of 86-hours in a pay period, but the Chief must agree with this arrangement; and

CAPITALS

[Brackets]

Asterisks * * *

: Indicate matter added to existing law or policy

: Indicate matter deleted from existing law or policy

: Indicate that text is retained from existing law or policy but omitted herein.

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NOW THEREFORE BE IT RESOLVED, that the Town Council hereby adopts, ratifies and approves the following amendment to the Employee Handbook as originally adopted and approved by Resolution 65-12 on October 17, 2012, as amended:

* * *

3.80 OVERTIME COMPENSATION AND COMPENSATORY TIME

A. All non-exempt employees shall receive pay at one and one-half times their regular rate for each hour worked in excess of the employee's regularly scheduled 40-hour work week. Fifteen minutes before shift and fifteen minutes after shift will not be considered overtime.

B. Overtime requests must be approved in advance by the Financial Officer and the Chair of the Finance Committee in consultation with the Mayor.

C. EXCEPT AS OTHERWISE STATED IN THIS SECTION, [AH] ALL exempt employees shall not be entitled to overtime compensation, or holiday pay. Essential non-exempt employees required to work on a holiday will be paid double time.

D. Police Officers may be subject to differing policies regarding overtime pursuant to police directives.

E. COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES. EMPLOYEES WHO ARE EXEMPT FROM OVERTIME RECEIVE A SALARY THAT COMPENSATES THEM FOR ALL HOURS WORKED IN THE WORKWEEK. HOWEVER, THE TOWN ADMINISTRATOR MAY AUTHORIZE EXEMPT EMPLOYEES TO RECEIVE COMPENSATORY TIME OFF (COMP TIME) OR A LEAVE OF ABSENCE WITH PAY AT A RATE OF NOT LESS THAN ONE (1) HOUR FOR EACH EXCESS HOUR WORKED MORE THAN THE REGULAR WORK WEEK. ANY EXEMPT EMPLOYEE WITH ACCRUED COMPENSATORY TIME MAY USE THE COMPENSATORY TIME WITHIN A REASONABLE TIME OF THEIR REQUEST TO DO SO, PROVIDED THE REQUEST WILL NOT UNDULY DISRUPT THE OPERATION OF THEIR RESPECTIVE DEPARTMENT OR THE TOWN. AN EXEMPT EMPLOYEE MAY ACCRUE A MAXIMUM OF 20 HOURS OF COMPENSATORY TIME. UPON TERMINATION OF EMPLOYMENT, AN EXEMPT (SALARIED) EMPLOYEE WILL NOT BE PAID FOR ANY ACCRUED COMPENSATORY TIME.

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AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 21st day of April 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Absent

KENNEDY II

YES

~~ATKINSON~~ ATKINSON

YES

BARNES

YES

HINES

YES

WASHINGTON

YES

NOBLE

YES

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By: _____
Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

By: _____
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 21 of April 2021 with 5 Aye votes and 1 Nay vote the aforesaid Resolution 15-21 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

CAPITALS

[Brackets]

Asterisks * * *

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